



# TEXAS JUVENILE JUSTICE DEPARTMENT

## Response to the Independent Ombudsman First Quarter Report, FY 2021 February 3, 2021

The Texas Juvenile Justice Department (TJJD) has received the FY 2021 First Quarter Report from the Office of the Independent Ombudsman (OIO), and appreciates this opportunity to respond.

### TJJD COVID-19 response

Through the first quarter, TJJD facilities and county juvenile probation departments across the state have continued to serve youth while facing additional challenges brought by the COVID-19 pandemic. The entire system has remained committed to ensure, as best as possible, there are no service or treatment delays for the youth during this time. The front-line workers in TJJD and the county departments have worked tirelessly to provide the continuity of services to the youth in the juvenile justice system.

TJJD has maintained all necessary protocols adopted at the beginning of the pandemic, including health screenings for staff entering the facilities, mandatory mask wearing while on duty, regular testing of staff and youth, and proper infection control measures within the facilities. The TJJD website remains up to date on these protocols, as well as the number of staff and youth cases inside TJJD-operated facilities. While these measures cannot completely stop the introduction of COVID-19 into facilities, regular adherence to these protocols limits the spread and risk of exposure as much as possible in these correctional settings. Youth continue to receive regular access to meet with their families and the OIO staff virtually and through additional telephone visitations. In addition to more in-person site visits by the OIO staff during the first quarter, these virtual visits help keep the youth connected to their support systems outside TJJD.

TJJD wants to again thank the OIO for the strong partnership in ensuring our youth are safe and their voices are heard. The safety of the youth remains the top priority for TJJD, and providing treatment and programming in the midst of the COVID-19 pandemic is absolutely necessary. Regular communication between the OIO and TJJD, both during and outside of the regular site visits, allows TJJD to correct specific issues identified in a timely manner.

### Incident trends

The average daily population for the first quarter FY 2021 was 16% lower than the average daily population for the fourth quarter FY 2020. From the fourth quarter FY 2020 to the first quarter FY 2021, TJJD saw a 26% decrease in use of restraints, 37% decrease in the use of OC spray, and a 29% decrease in youth-on-youth assaults or unauthorized contact. During this time, however, TJJD saw an 18% increase in youth-on-staff assaults and unauthorized contact. This

category as documented in OIO reports includes both assaults and non-assaultive contact. Of all incidents in these categories, 78% were coded as “unauthorized contact” and were not injurious assaults on staff. For all facilities except for the Phoenix program, there was a 28% decrease in youth-on-staff assaults with injury from the fourth quarter FY 2020 to the first quarter FY 2021.

TJJD has completed the move of the Phoenix program to the Evins facility, and the population of the program has increased to be able to accommodate more youth in this intense intervention programming. Historically, TJJD would have a waiting list for admission into the Phoenix program due to limited bed space. Now, with an expanded program, TJJD is able to move the most violent and aggressive youth to this intervention model and prevent them from engaging in this conduct at their long-term facility, freeing resources to continue to work with the youth who are not regularly engaging in violent conduct. Youth who are eligible for this intervention can be served in the Phoenix program without concern of running out of available space. Thus far, the number of beds for the Phoenix program has expanded from 14 to 48, and additional program beds are expected to go online soon.

#### Texas Model and Legislative update

The ongoing implementation of the Violence Intervention Continuum remains a focus for TJJD’s operations. The Evins facility is now completely comprised of treatment dorms through the Phoenix program and the Redirect program for youth with proven incidents of violence and aggression. The other four secure facilities operate the intensive intervention program for youth without the repeated or most serious instances of violence.

TJJD has also begun the process of training case management and treatment staff on Dialectical Behavior Therapy (DBT). This evidence-based therapeutic option offers youth the opportunity to develop additional skills in emotional regulation. Using DBT in conjunction with the existing treatment model grounded in Cognitive Behavioral Therapy will increase TJJD’s ability to meet the responsivity needs of the youth.

The agency’s LAR outlines substantive reforms for the Texas juvenile justice system, requesting additional resources for the county probation departments, targeted resources for high-risk youth, and more smaller facilities for TJJD to work with the youth in right sized populations with sustainable staffing levels. These aspects of the Texas Model plan for reform will further the past efforts of the Texas Legislature to ensure the vast majority of youth can appropriately be treated and supervised in the county probation departments, and that youth are committed to TJJD when keeping them shallow in the system and closer to home is simply not feasible. The LAR comprises scalable options for the legislature to consider, each offering significant steps that can be taken to continue building on the successes of the current system. All of the information pertaining to the agency’s LAR can be found on TJJD’s website.

TJJD appreciates this opportunity to respond and provide an update to this Report. TJJD will continue to work closely with the OIO to improve the provision of services for the youth in the statewide juvenile justice system.